

Freeborn & Peters LLP

October 1, 2004

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

212134



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 418X);
The Burlington Northern and Santa Fe Railway Company Abandonment
between Hannah Junction, North Dakota and McCanna, North Dakota**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$2,800.00, covering the filing fee.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior – National Park Service, Recreation and Conservation Assistance Program; the U. S. Department of the Interior – National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the North Dakota Public Utility Commission; the North Dakota Department of Transportation; and the Chief of Forest Service, U. S. Department of Agriculture).

Sincerely,

Brian Nettles

/bn
Enclosures

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212134
BEFORE THE

SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between BNSF M.P. 0.00 near Hannah
Junction, Grand Forks County, North Dakota and
M.P. 6.50 near McCanna, Grand Forks County,
North Dakota

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 418X)



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TO THE SURFACE TRANSPORTATION BOARD:

**SURFACE
TRANSPORTATION BOARD**

The Burlington Northern and Santa Fe Railway (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between BNSF M.P. 0.00 near Hannah Junction, in Grand Forks County, North Dakota and M.P. 6.50 near McCanna, in Grand Forks County, North Dakota, a total distance of 6.50 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

November 25, 2004

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local

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**SURFACE
TRANSPORTATION BOARD**

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traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of Hannah Junction, North Dakota to McCanna, North Dakota line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Hannah Junction, North Dakota to McCanna, North Dakota line traverses United States Postal Service Zip code 58251.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

- V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met is attached.

Respectfully submitted,



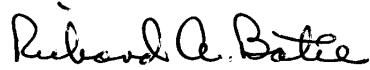
Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 1, 2004

VERIFICATION

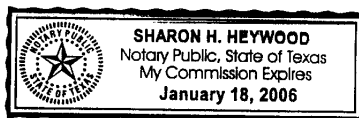
STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

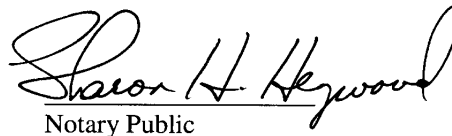
Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 418X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.



Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 30 day of April, 2004.




Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub No. 418X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the North Dakota Public Service Commission; the North Dakota Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on April 16, 2004; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on April 16, 2004; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on April 16, 2004; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on April 27, 2004 in the Grand Forks Herald, affidavit of publication is attached.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 1, 2004

1803

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA }
COUNTY OF GRAND FORKS } SS._____
first duly sworn, on oath says:

That { she } is { a representative of the GRAND FORKS HERALD, INC.,

publisher of the Grand Forks Herald, Morning Edition, a daily newspaper of general circulation, printed and published in the City of Grand Forks, in said County and State, and has been during the time hereinafter mentioned, and that the advertisement of _____

a printed copy of which is hereto annexed, was printed and published in every copy of the following issues of said newspaper, for a period of _____ time (s) to wit:

_____	Yr. 01	_____	Yr. _____
_____	Yr. _____	_____	Yr. _____
_____	Yr. _____	_____	Yr. _____
_____	Yr. _____	_____	Yr. _____

and that the full amount of the fee for the publication of the annexed notice inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever and the amount of said fee is \$ 75-;

That said newspaper was, at the time of the aforesaid publication, the duly elected and qualified Official Newspaper within said County, and qualified in accordance with the law of the State of North Dakota to do legal printing in said County and State.

Subscribed and sworn to before me this 30 day ofApr A.D. 04Elaine J. Janssen
Notary Public, Grand Forks, ND

NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after May 5, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F -- Exempt Abandonments permitting the abandonment of or discontinuance of service of 6.50 miles of railroad line between railroad M.P. 0.00 in Hannah Junction, North Dakota to M.P. 6.50 near McCanna, North Dakota, which traverses through United States Postal ZIP Code 58251 in Grand Forks County, North Dakota. The proceeding will be docketed as No. AB-6 (Sub No. 418X). Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

(April 27, 2004)

Publi

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 0.00 near Hannah Junction,
North Dakota and M.P. 6.50 near McCanna,
North Dakota

Docket No. AB-6
(Sub No. 418X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 0.00 near Hannah Junction, Grand Forks County, North Dakota and M.P. 6.50 near McCanna, Grand Forks County, North Dakota, total distance of 6.50 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any railline and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The abandonment will not affect the local land use plans. See

Exhibit B, letter from the Grand Forks County Planning and Zoning.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The United States Department of Agriculture, Natural Resources Conservation Service has no concerns with the proposed abandonment.

See Exhibit C, e-mail from the Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

At this time Grand Forks County has no plans for alternate public uses for the corridor. See Exhibit B, letter from Grand Forks County Planning and Zoning.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are nine public crossings and one private crossing. During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

BNSF is not aware of any evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. See Exhibit D, response from the U.S. Fish and Wildlife Services.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF believes the proposed abandonment will have no effect on wildlife sanctuaries, refuges, National or State parks or forests. The Bureau of Land Management has no wildlife sanctuaries or refuges, National or State parks or forests in the proposed impact areas. See Exhibit E, letter from the Bureau of Land Management. The project as defined does not affect state park lands that the North Dakota Parks and Recreation Department manages and Land and Water Conservation Fund recreation projects that the Department coordinates. See Exhibit F, letter from the North Dakota Parks and Recreation Department.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The North Dakota Department of Health was notified by letter dated December 9, 2003. See Exhibit G. As of the date of this report, the North Dakota Department of Health has not responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The proposed project, as presently designed, will be accomplished without any discharges in a jurisdictional area and therefore, a Section 404 permit would not be required. See Exhibit H, letter from the U.S. Army Corps of Engineers. The proposed abandonment will not affect the 100-year floodplain as long as the roadbed remains at the same elevation. See Exhibit B, letter from Grand Forks County Planning and Zoning.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

BNSF believes that permits under Section 402 of the Clean Water Act are not required for the proposed abandonment. The North Dakota Department of Health was notified by letter dated December 9, 2003. See Exhibit G. As of the date of this report, the North Dakota Department of Health has not responded. BNSF will provide the Board copies of any response it may receive.

(10) **Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a long horizontal flourish extending to the right.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 1, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 0.00 near Hannah Junction,
North Dakota and M.P. 6.50 near McCanna,
North Dakota

Docket No. AB-6
(Sub No. 418X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The
Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the
Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting
the Board's environmental and historical assessment regarding BNSF's Notice of
Exemption to abandon its line of railroad between M.P. 0.00 near Hannah Junction,
North Dakota to M.P. 6.50 near McCanna, in Grand Forks County, North Dakota, a total
distance of 6.50 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently
detailed to show buildings and other structures in the vicinity of the proposed action)
showing the location of the proposed action, and the locations and approximate
dimensions of the railroad structures that are 50 years old or older and are part of the
proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the State
Historical Society of North Dakota and one copy is being provided to the Surface
Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to
the extent known) and the topography and urban and/or rural characteristics of the
surrounding area:

The Hanna Junction to McCanna, North Dakota line connects the town of McCanna to BNSF's main line at Hannah Junction. Hannah Junction is a railroad station and McCanna is an unincorporated town which is not listed in a census for population purposes.

Much of the adjoining land is generally flat with wheat being the primary agricultural crop. Beans are also grown in the area.

The rail line corridor is 100 feet in width and the station grounds at McCanna varies in width.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or structures that are 50 years or older in the immediate area of the abandonment.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by The St Paul Minneapolis and Manitoba Railway Company in 1884. The St Paul Minneapolis and Manitoba Railway Company was a predecessor to the Great Northern Railway (GN). In 1970 the GN merged into the Burlington Northern Railroad (BN). In 1995 BN merged with The Atchison Topeka and Santa Fe Railway to become The Burlington Northern and Santa Fe Railway Company (BNSF).

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

The State Historical Society of North Dakota recommends that Hanna Junction Station (32GFx60) and any other railway station(s) over 50 years of age on this line that are to be abandoned be recorded and preliminarily evaluated by a state-permitted cultural resource firm. See Exhibit I, letter from the State Historical Society of North Dakota. In response, BNSF has commissioned a study and will supplement with further information when it is available.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a long horizontal flourish extending to the right.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 1, 2004

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on April 16, 2004, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Linda Gisvold
Bureau of Land Management
North Dakota Field Office
2933 3rd Avenue West
Dickinson, North Dakota 58601-2619

Jeffery Towner
Field Supervisor
U. S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

Carole McMahon
Grand Forks County Planning and Zoning
151 S. 4th Street
P.O. Box 5726
Grand Forks, North Dakota 58206-5726

Richard Axvig
District Conservationist
Natural Resources Conservation Service
Grand Forks Service Center
2397 Demers Ave
Grand Forks, ND 58201-4184

North Dakota Department of Health
Water Quality Division
1200 Missouri Ave.
P.O. Box 5520
Bismarck, ND 58506-5520

Merlan Paaverud, Jr.
State Historic Preservation Officer
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Jesse Hanson
Planning and Natural Resources Division
North Dakota Parks & Recreation
Department
1600 E. Century Avenue, Suite 3
Bismarck, ND 58503-0649

Arvin Kvasager
Commissioner, Chairman
Grand Forks County Board of
Commissioners
151 South 4th Street
P.O. Box 6372
Grand Forks, North Dakota 58206-6372

North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

James Winters
Regulatory Program Manager
U.S. Army Corps of Engineers
Bismarck Regulatory Office
1513 South 12th Street
Bismarck, ND 58504

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Environmental Protection Agency
Region 8
999-18th Street, Suite 300
Denver, CO 80202-2466

Thomas E. Coleman
Acting State Conservationist
Natural Resources Conservation Service
220 East Rosser Avenue
P.O. Box 1458
Bismarck, ND 58502-1458

U.S. Fish & Wildlife Service
Region 6
Regional Director
P.O. Box 25486
Denver, CO 80025

North Dakota Dept. of Transportation
608 East Boulevard Ave.
Bismarck, ND 58505-0700

North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

Richard Snay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20910

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.

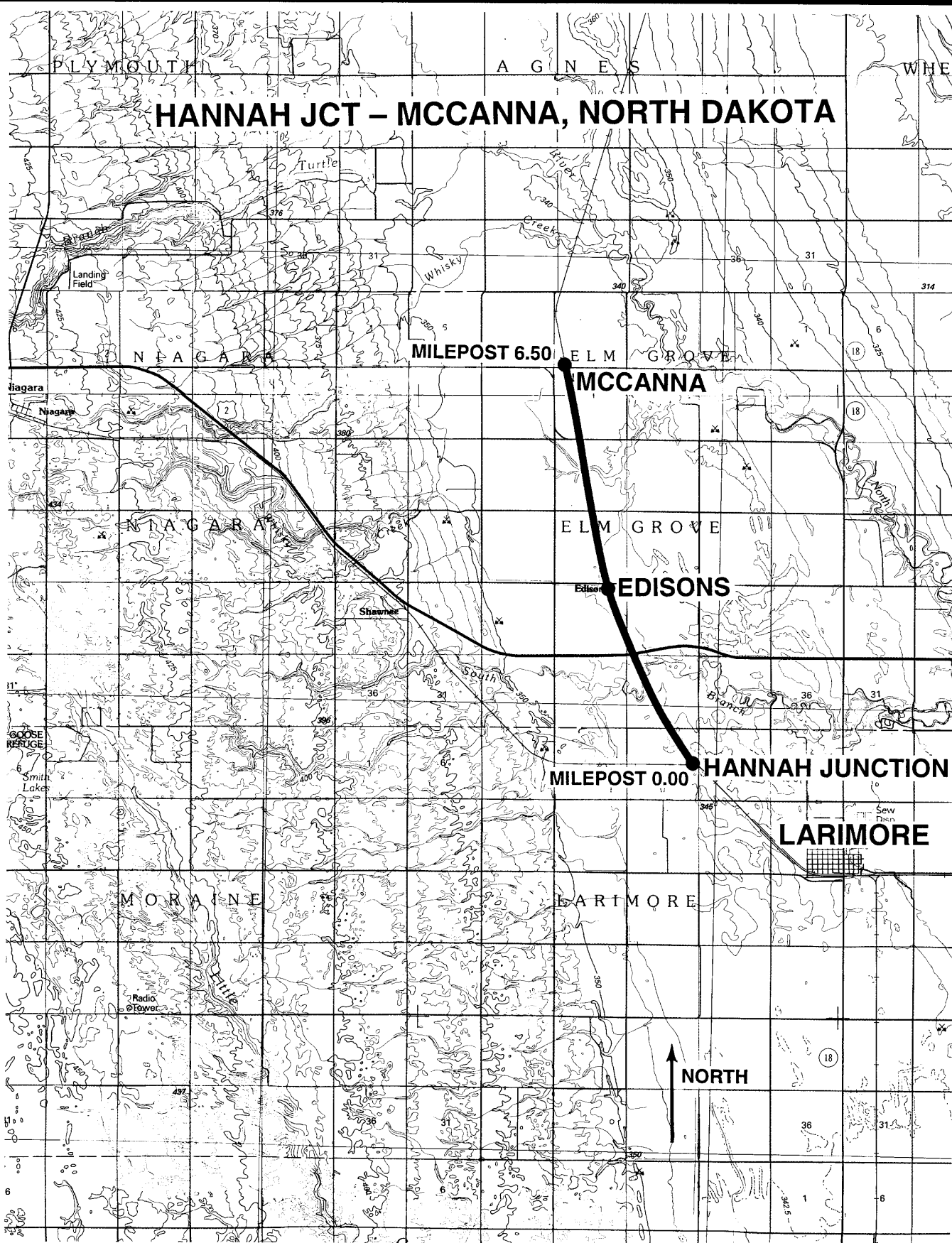


Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 1, 2004

A

HANNAH JCT – MCCANNA, NORTH DAKOTA



B

Grand Forks County

Planning and Zoning

Telephone: (701) 780-8412
Fax: (701) 780-8212
Email: carole.mcmahon@gfcounty.com

Carole B. McMahon

151 S. 4th St.
Mailing Address: P.O. Box 5726
Grand Forks, ND 58206-5726

December 30, 2003

Brian Nettles
311 South Wacker Drive
Suite 3000
Chicago IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of
Hannah Junction, North Dakota to McCanna, North Dakota.

Dear Mr. Nettles:

The above stated abandonment will not affect the 100-year floodplain as long as the roadbed remains at the same elevation.

Abandonment will not affect the local land use plans. At this time Grand Forks County has no plans for alternate public uses for the corridor.

If you have any further questions, do not hesitate to call.

Sincerely,



Carole B. McMahon
Grand Forks County Zoning Administrator
Grand Forks County Floodplain Administrator

cc: Arvin Kvasager, Grand Forks County Board of Commissioners
Jim Campbell, Grand Forks County Emergency Manager

C

Nettles, Brian

From: Richard Axvig [Richard.Axvig@nd.usda.gov]
Sent: Monday, December 15, 2003 1:49 PM
To: bnettles@freebornpeters.com
Subject: BN and SF abandonment of Hannah Junction

Hello Brian,

Received your letter in regards to the abandonment of the railroad line from Hannah Junction to McCanna.

Our Agency has a direct interest when prime farmlands are being converted to non-ag use and in this particular project there is no conversion so we have no concerns with this planned abandonment.

Thanks for the information and have a Merry Christmas.

Richard Axvig
District Conservationist
Natural Resources Conservation Service
Grand Forks, North Dakota 58201

12/15/2003

D

Freeborn & Peters LLP

December 9, 2003

U. S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment
of Hannah Junction, North Dakota to McCanna, North Dakota**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 6.50 miles of railroad line between M.P. 0.00 in Hannah Junction, North Dakota to M.P. 6.50 in McCanna, North Dakota.

As part of the environmental report BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent or near the line and if so, what effects the proposed action may have.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by January 9, 2004. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

U.S. FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
ND FIELD OFFICE

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

12/16/03
Date 
Jeffrey K. Towner
Field Supervisor

E



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

North Dakota Field Office

2933 3rd Ave West

Dickinson, ND 58601

701-227-7700

<http://www.mt.blm.gov/ndfo/>

In Reply To:

2700
LRG

January 5, 2004

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

RE: The Burlington Northern and Santa Fe Railway Company Abandonment of Antelope Valley, North Dakota and Zap, North Dakota comment due January 8, 2004 AND;

The Burlington Northern and Santa Fe Railway Company Abandonment of Hannah Junction, North Dakota to McCanna, North Dakota comment due January 9, 2004.

Dear Mr. Nettles:

The Bureau of Land Management (BLM) has no wildlife sanctuaries or refuges, National or State parks or forests in the proposed impact areas.

However, please keep the BLM informed as to the continued process. These railroad abandonments depending under which Act they were granted, impact the BLM. We appreciate the opportunity to comment.

Sincerely,


Linda Gisvold
Realty

F



• 1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649

• Phone 701-328-5357
• Fax 701-328-5363
• E-mail parkrec@state.nd.us
• www.NDparks.com

December 18, 2003

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of Hannah Junction, North Dakota to McCanna, North Dakota

Dear Mr. Nettles:

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above referenced application to abandon 6.50 miles of railroad line between M.P. 0.00 in Hannah Junction, North Dakota to M.P. 6.50 in McCanna, North Dakota, Grand Forks County.

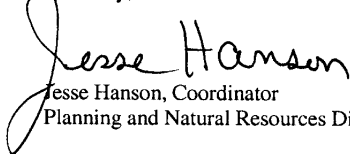
Our agency scope of authority and expertise covers recreation and biological resources (in particular rare species and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage Inventory has limited rare species information from the project area. Due to the lack of available survey data we cannot give an accurate assessment as to potential impacts to rare species and associated habitats.

The NDPRD recommends that any impacted areas be revegetated with species native to the project area.

Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370) of our staff if additional information is needed.

Sincerely,


Jesse Hanson, Coordinator
Planning and Natural Resources Division

R.USNDNHI*1227

• • • • •
Play in our backyard!

G

Freeborn & Peters LLP

December 9, 2003

North Dakota Department of Health
Water Quality Division
1200 Missouri Ave.
P.O. Box 5520
Bismarck, ND 58506-5520

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Hannah Junction, North Dakota to McCanna, North Dakota***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 6.50 miles of railroad line between M.P. 0.00 in Hannah Junction, North Dakota to M.P. 6.50 in McCanna, North Dakota.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

H



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640
December 23, 2003

North Dakota Regulatory Office

[200360620]

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

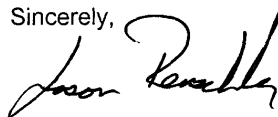
This is in reference to your solicitation letter, on behalf of the **Burlington Northern and Santa Fe Railway Company**, for a Department of the Army (DA) review in accordance with Section 404 of the Clean Water Act. You are proposing to abandon 6.50 miles of railroad line between Hannah Junction, North Dakota and McCanna, North Dakota. The legal description is Section 3, Township 151 North, Range 55 West, and Sections 9, 16, 21, 27, 28, and 34, Township 152 North, Range 55 West, Grand Forks County, North Dakota.

Based on the information provided to this office, it has been determined that your proposed project, as presently designed, would be accomplished without discharging in a jurisdictional area and therefore, a Section 404 permit would not be required. However, DA authorization may be required should changes be made in your project.

The fact that a Section 404 permit is not required does not relieve you of the obligation to obtain required approvals from other agencies that may have regulatory jurisdiction over your project.

If you have any questions concerning this determination, please do not hesitate to contact this office by letter or telephone (701) 255-0015 and reference project number **200360620**.

Sincerely,


James L. Winters
Regulatory Program Manager
North Dakota



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

February 19, 2004

**North Dakota
State Historical Board**

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Bismarck - President

Marvin L. Kaiser
Williston - Vice President

Albert I. Berger
Grand Forks - Secretary

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Bismarck

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Tourism Division*

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Douglass Prchal
*Director
Parks and Recreation
Department*

David A. Sprynczynatyk
*Director
Department of Transportation*

John E. Von Rueden
Bismarck

Merlan E. Paaverud, Jr.
Director

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

NDSHPO REF.: 04-0287, Proposed BN&SF Railway Co. Abandonment,
Hannah Junction to McCanna, Grand Forks County, ND.

Dear Mr. Nettles:

We have reviewed Project: 04-0287, proposed abandonment of the Burlington Northern and Santa Fe Railway Company line between Hannah Junction and the City of McCanna, Grand Forks County, ND.

We recommend that the Hanna Junction Station (32GFx60) and any other railway station(s) over 50 years of age on this line that are to be abandoned be recorded and preliminarily evaluated by a state-permitted cultural resource firm.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in any further correspondence for this specific project. If you have any questions please contact Duane Klinner at (701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)

*Accredited by the
American Association
of Museums*